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Francis A. Allen--Dean and Colleague

Theodore J. St. Antoine

University of Michigan Law School, tstanton@umich.edu

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Theodore J. St. Antoine*

Frank Allen was chosen as Dean at Michigan during my first year on the Law School faculty. I had never met him but my colleagues had provided splendid reports about his work and about him personally. I was also impressed by his response to our inquiry concerning his possible interest in the deanship. He said he had established a couple of conditions for being a dean anywhere. First, it would have to be at a school to which he felt a special attachment. Second, it would have to be at an institution where he felt he could make some particular contribution.

I think I expected a demigod when Frank finally arrived on the scene. On that score I was a little disappointed. He was not all that prepossessing on first meeting. He came to my office to introduce himself, which I appreciated, but small talk was not his forte. Then, shortly afterwards, I heard Frank speak publicly for the first time. This was a different Frank Allen. His talk was witty, it was meaty, and at times it rang with an eloquence that reminded me of Adlai Stevenson. Over the years Frank's occasional speeches again and again made me proud to be a member of this faculty. To probe the meaning of success, for example, he drew on "The Song of Roland" for a lecture that belonged in a course on medieval literature. But he was not above quoting "Peanuts" to make a point about life's follies.

Frank presided over the Law School during one of the most turbulent periods in American higher education—the late '60s. One night I watched this paragon of intellectual rigor and stylistic elegance standing in the Law Quad, walkie-talkie at hand like a company commander preparing for combat, getting periodic bulletins on the progress of a mass of students coming down State Street toward us. Yet Frank had a profound understanding of people's needs and a deep sympathy for the disadvantaged, and he became a quiet champion of affirmative action. Also during his tenure, the Law School moved both more inward toward the University, with a substantial increase in interdisciplinary faculty and interdisciplinary offerings, and more outward toward the legal profession, with the initiation of several major clinical programs.

* James E. & Sarah A. Degan Professor Emeritus of Law, University of Michigan Law School. A.B. 1951, Fordham; J.D. 1954, Michigan.

I would not call Frank a “charismatic” figure. He had something else—I will call it “gravitas.” A former faculty colleague here, Roger Cramton, put it well. He said he could not quite understand Frank’s magic, but whenever he spoke, other conversations stopped and people listened. They knew they might otherwise miss an insight of high seriousness, articulated with precision and grace. During coffee hours at the round table in our Faculty Common Room, Frank often conducted what amounted to an ongoing seminar on legal education.

When I became Dean-designate, succeeding Frank, one of my first steps was to select Bill Pierce of our faculty, a most savvy and practical person, as Associate Dean. Frank called to congratulate me on my choice, and then asked, almost hesitantly, whether I would mind if he, Frank, appointed Bill to the position so he could get to work immediately. Frank spent much of his last week as Dean writing up brief analyses of all the major University officials and functionaries I would have to deal with, so that I would have an advance read on their strengths and their foibles.

During my years in office, I think I got only about two written messages from Frank. After an especially trying faculty meeting, he wrote, “Don’t let the guerrilla theater get you down!” More important, I once had the hardest personnel decision I ever faced, back when deans had to determine whether there was “substantial opposition” to a faculty appointment. This particular candidate was a personal protégé of Frank’s and had the support of a large majority of the faculty. But the younger members, who would be the candidate’s contemporaries, were strongly and almost unanimously opposed. Frank wrote me, “However you decide, I know there will be good reasons, and I will understand.”

Frank was a person of great scholarly and professional accomplishments, as others more knowledgeable than I about Frank’s specialties can recount. Yale Kamisar, who may be today’s foremost authority on constitutional criminal procedure, has stated:

Everywhere I turned, whether it was the right to counsel, search and seizure, or police interrogation and confession, Frank Allen had been there before. He said more things that I wished I had said first than anyone else.¹

Yet Professor Kamisar went on that Frank’s most important writing may not have been his many books and articles but rather the

1. Yale Kamisar, *Francis A. Allen—Architect of Modern Criminal Procedure Scholarship*, 59 Fla. L. Rev. xvi, xvii (2007).

“Allen Report,” the report he produced “as chair of a blue-ribbon committee appointed by Attorney General Robert Kennedy to study the impact of poverty on the administration of criminal justice.”²

In addition, Frank was a co-author of the Model Penal Code of the American Law Institute and he was the principal drafter of the Illinois Criminal Code of 1961, which pioneered the decriminalization of sexual acts between consenting adults of the same sex. He also served as President of the Association of American Law Schools in 1976. A further distinction was his presentation of three of the most prestigious lecture series in American law schools, the Holmes Lectures at Harvard, the Storrs Lectures at Yale, and the Cooley Lectures at Michigan.

Despite all this, I am not sure Frank Allen ever found as much contentment in his career as he should have. His moves from the Northwestern law faculty to Harvard to Chicago to Michigan and back to Chicago and then back to Michigan and finally to Florida may tell us something about his restlessness and his questing. Yet I take comfort from the last time I heard him speak, here in our Lawyers Club Lounge. He closed by quoting from T.S. Eliot’s “Four Quartets”:

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.

2. *Id.* at xviii.